

RECEIVED  
USDC, CLERK GREENVILLE, SC

IN THE DISTRICT OF THE UNITED STATES  
2014 APR 28 AM 10:54  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

UNITED STATES OF AMERICA

CASE NO. 6:13-cr-00170-JMC-1

Plaintiff,

V.

GORDON L HALL

Defendant.

**PETITION TO ENTER REQUEST FOR FOGIVENESS AND NOTICE OF "NOTICE OF TENDER FOR SETOFF" TO THE COUNT 2 LIABILITY IN THE SUPERSEDING INDICTMENT AND REQUEST FOR A CONTINUANCE OF THE SENTENCING OF THE DEFENDANT SCHEDULED FOR THE 28<sup>TH</sup> OF APRIL 2014, PENDING COMPLETION OF THIS MATTER THROUGH DUAL ADMINISTRATIVE PROCESS OR SENTENCE THE DEFENDANT IN PRIVITY WITH THE "NOTICE OF TENDER FOR SETOFF"**

[Filed concurrently with DECLARATION IN SUPPORT OF PETITION]

**I. INTRODUCTION**

COMES NOW the Defendant, GORDON L HALL as of necessity and in good faith to protect the Defendant's interests and rights and in the interests of justice. The Defendant has but two words for not resolving the COUNT 2 liability in the SUPEREDING INDICTMENT sooner, "Forgive me." The Defendant respectfully requests forgiveness for the acts and actions of the Defendant and for not being more timely in the resolution of this Matter. Please note that the Defendant contacted Benjamin T. Stepp about the filing of this Petition but has received no reply to such.

**II. NOTICE**

The Defendant hereby places this Court on NOTICE of the start of the ongoing administrative processes to resolve the COUNT 2 liability of the SUPERSEDING

INDICTMENT pursuant to the attached "NOTICE OF TENDER FOR SETOFF," attached hereto and incorporated herein as "Exhibit 1," sent to the UNITED STATES OF AMERICA through its agent William N. Nettles and through his agent William J. Watkins, Jr. [Government].

### **III. CONDITIONAL ACCEPTANCE**

The Defendant conditionally accepts the offer of Sentencing scheduled for the 28<sup>th</sup> of April 2014 upon proof of claim that the start of the administrative process with the Plaintiff, attached hereto and incorporated herein as "Exhibit 1," to resolve the private side matter of substance and to resolve any and all restitution and damages in this Case, and a second administrative process to resolve the public side form pursuant to the Federal Rules of Criminal Procedure with the Government, when completed will not have the good likelihood of resolving this Matter, therefore making the Sentencing hearing scheduled for the 28<sup>th</sup> of April 2014 a prejudice against the Defendant by failure to allow the Defendant to bring forth the Record of the setoff of the COUNT 2 liability created by the "PETITION TO ENTER PLEA OF GUILTY" entered on the 18<sup>th</sup> of February 2014.

In the alternative the Defendant accepts the Sentencing hearing on the 28<sup>th</sup> of April 2014 on condition that this Court sentence the Defendant in privacy with the "NOTICE OF TENDER FOR SETOFF" attached hereto and incorporated herein as "Exhibit 1."

### **IV. GROUNDS**

The attached "NOTICE OF TENDER FOR SETOFF," attached hereto and incorporated herein as "Exhibit 1," shows that there is an adequate setoff to the COUNT 2 charge in the SUPERSEDING INDICTMENT, which shows that there will be no need in the Sentencing of

the Defendant to include public imprisonment/supervised release or require any kind of additional public penalties or fines.

#### **V. SUPPORTIVE LAW**

Wherefore the denial of the right to allow the Defendant to complete the above mentioned administrative processes by granting a continuance of the Sentencing hearing scheduled for the 28<sup>th</sup> of April 2014 or in the alternative sentence the Defendant in privity with the attached "NOTICE OF TENDER FOR SETOFF" would be a prejudice not only to the Defendant, but to the Surety being held as collateral for the Defendant, and therefore a denial of substantive and procedural due process and equal protection under the law when there is a substantive remedy as shown before this Court.

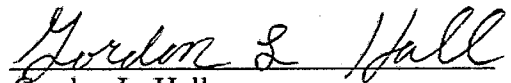
#### **VI. CONCLUSION**

WHEREFORE PREMISES CONSIDERED the Defendant respectfully requests that this Court continue the Sentencing hearing scheduled for the 28<sup>th</sup> of April 2014 for at least sixty days pending completion of the ongoing administrative processes being conducted with the Plaintiff and the Government or in the alternative sentence the Defendant in privity with the "NOTICE OF TENDER FOR SETOFF" attached hereto and incorporated herein as "Exhibit 1."

Respectfully submitted,

GORDON L. HALL

BY:



Gordon L. Hall  
Spartanburg County Detention Facility  
950 California Avenue  
Spartanburg, S.C. 29303

24<sup>th</sup> of April 2014